

Lon A. Jenkins (4060)  
Tami Gadd-Willardson (12517)  
MaryAnn Bride (13146)  
Katherine T. Kang (14457)  
OFFICE CHAPTER 13 TRUSTEE  
405 So. Main Street, Suite 600  
Salt Lake City, Utah 84111  
Telephone: (801) 596-2884  
Facsimile: (801) 596-2898  
Email: [utahtrusteemail@ch13ut.org](mailto:utahtrusteemail@ch13ut.org)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

In re:  NOELLE C. LEGENDRE  Debtor.	Case No. 18-26355  Chapter 13  Hon. R. Kimball Mosier  <i>Hearing: 3/20/2019 at 11 A.M.</i>
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**TRUSTEE'S RESPONSE TO DEBTOR'S MOTION TO VACATE ORDER OF  
DISMISSAL, AND GRANT ADDITIONAL TIME TO BRING THE CHAPTER 13  
PLAN PAYMENTS CURRENT**

Lon A. Jenkins, Chapter 13 Trustee, by and through counsel, hereby responds to the above-referenced Motion as follows:

1. As of the date of this response, Debtor is delinquent 3 plan payments totaling \$2,415.00.
2. At the Confirmation hearing held on December 11, 2018, the Debtor was ordered to be current on all plan payments accruing on or before January 8, 2019 or the case shall be dismissed without further notice or hearing.
3. On January 28, 2019 the Trustee filed a declaration of non-compliance and proposed order of dismissal.

4. The Trustee opposes the motion unless the Debtor is current on all plan payments prior to the hearing on the Motion.

5. The Trustee further opposes vacating dismissal in this case as there are a number of issues related to Confirmation that are outstanding since The Trustee's Continuing Objection to Confirmation (Docket No. 31) filed November 28, 2018. The Trustee requests that the Debtor provide the following documents prior to the scheduled hearing on this matter:

a. The Debtor should provide proof that she is making post-petition monthly mortgage payments consistent with the budget, or should increase the plan payment by the amount of the mortgage payment they are not making;

b. The Debtor should provide the Trustee with copies of her State and Federal income tax returns for 2017 (see § 521(e)(2)(A)(i), Fed. R. Bankr. P. 4002(b)(2)(B), and Local Rule 6070-1(c)(2));

c. Verification of food Stamp Income on Schedule I;

d. Evidence of the Non-filing Spouse's income from his new job along with at least two (2) pay advices and amended budget; and

e. File an Amended Chapter 13 Plan to: 1) add the Secure Claims of No. 14 by Property Mgmt and No. 2 filed by Salt Lake County Treasurer; 2) move the HOA claim to 3.1 of the Plan; and 3) Amend 3.1 of the Plan to fix the monthly payment on arrearage and add the current installment mortgage payment.

6. The case was dismissed prior to the deadline for filing proofs of claims for the governmental entities. As creditors may not have been filing claims due to the dismissed posture of the case, the deadlines to file proofs of claims should be extended 30 days to for governmental

entities from the signed order.

WHEREFORE, the Trustee objects to entry of an Order granting the relief requested in the Motion.

DATED: March 6, 2019.

/s/      Katherine T. Kang  
Katherine T. Kang  
Attorney for Chapter 13 Trustee

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing response was served on the following person on March 6, 2019:

SARAH L. MATHEWS  
ECF Notification

/s/      KTK  
Office of the Chapter 13 Trustee